G. R. S. IX—5]

Previous references

EC 66-18-14

(1920. Legis)

File No. 1-20

Serial Nos. —

(Notes only)

Later references

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for July 1920.

SUBJECT

Proposed bill to amend the Mysore Cooperative societies Regulation

Ramaswamy Iyengar
31/7/20

Previous reference 18 grs. 1-14.
E.C 6607 18 17/

R. S. III-2]

General and Revenue Secretariat.

Legs. File No. 1 of 19 20

54

Serial No.

Subject.

Points on which legislative action is required are

(i) Power to administer oath to be by the Registrar or arbitrators

(ii) ousting the jurisdiction of civil courts and

(iii) execution of decrees through the civil courts

vide paragraphs 4 & 5 of forest note & S. 20. & S2 & 3 of the notes

Bill with a draft Bill with a statement of objects & reasons embodying amendments on the above points.

Clauses 2 & 3 follow the suggestion of the Registrar (vide copy of Regn. Act. S

SG 28/2 Add 25/4

The draft bill may, as usual, be sent to the administrative Branch for favour of remarks.

Please note the Bill is signed

D. M. 28/4

Note:—

Mr. Ship showing that 4-10 orders have been passed and to be affixed as under

D. M.

NOTE—Contn. sheet.

[R. S. Fl-2]

General and Revenue Secretariat.

Legn File No. of 1920 24

Serial No.

Submitted with a typed bill and Statement of objects and reasons.

28/5/24

Forwarded to the Hon'ble Sir. for favour of remarks. if any

To. 31/5/24

E & A Sett.

Perhaps slight additions may be made to the statement of objects & reasons as indicated in pencil at pages 2 & 3

Sd/ 2/6/24

Returned as it has come back with the above

Sd/ 17/6/24

In the Statt. of objects & Reasons a slight addition appears necessary in the matter of the administration of oaths.

Otherwise no remarks.

18.6.24

Sd/ [illegible]

Please see remarks in the draft

Legis

NOTE—Contn. sheet.

R. S. III.—11

General and Revenue Secretariat.

File No. of 1920.

Serial No.

Indian Amendments were drafted on the suggestions of the Registrar of Co-operative Societies & of the Chief Court

Sec. 2/7/21

Please put up revised Upper Burma Bill accordingly

D. M. 2/8

Indian.

Changes are indicated in pencil.

This does not seem to meet the objections of the Chief Court & the provisions drawn by the Registrar.

Subject for further.

2/8/21.

Please put up with papers

D. M.

NOTE—Contn. sheet.

50 of 24
50 of 24

G. R. S. III-21-

General and Revenue Secretariat. | File No. of 1920.

Serial No.

Extracts from C.S file 54 of 22.

1st members orders

"May be examined once more by the Legislature Branch.

Sd/ M. M. G.
20/1/23.

Points on which legislation was called for are noted at pages 54. supra

The provisions in the draft Bill seem to cover these points.

Clause 2 perhaps requires revision since it does not seem to give sufficient power to completely oust the jurisdiction and since the words "or in the rules thereunder" are proposed to be omitted

The following words may perhaps be added at the end of that clause.:-

"unless previous permission in writing of the Registrar has been obtained by the plaintiff to prefer that claim to a civil or Revenue Court subo. for orders

(Vide remarks of the Registrar 21.1.23.)

NOTE—Contn. sheet.

Sd/ [illegible]
4/8/23

G. R. S. III-2]

General and Revenue Secretariat. | hrg File No. | of 1920.

Serial No.

Mr. Chendrasekhariahs resolution, re- authorizing Courts to execute Co-operative decrees was withdrawn, and Govt expressed that such a step was not desirable, as it would lead to more delays. They intend improving the machinery on the Revenue side. So, there is no need for any amendment of the Regulation in that direction.

As regards ousting the jurisdiction of the civil courts, the Chief Court have recently held the in the matter of Co-operative Suits, & so far as provided for by the rules thereunder, jurisdiction of the civil courts is ousted. Hence, there is no necessity for any amendment of the Regulation.

A reply is therefore called for & the papers may be filed.

cag
30/7

NOTE—Contn. sheet.

Statement of objects and reasons.

At present the decisions of Registrars and awards of arbitrators in disputes touching the business of a society are executed through the Revenue Agency. But experience has shown that execution of decrees or awards through this agency sometimes takes time. It is therefore proposed to take powers to frame rules authorising the Registrar to send decrees or awards to civil courts for execution, in cases where he considers that such a course will facilitate promptness.

Power is also taken to provide by rules for the enforcement of the attendance of parties and their witnesses and production of documents before the Registrar and arbitrators.

It is proposed to oust the jurisdiction of civil courts in respect of disputes between members and the society relating to its business. Legislative sanction is proposed to be taken in clause 3 of the Bill for this purpose.

Bill to amend the Mysore Co-operative Societies Regulation, 1918.

Whereas it is expedient to amend the Mysore Co-operative Societies Regulation, 1918; His Highness the Maharaja is pleased to enact as follows:-

Amendment of Section 44.

1. (1) At the end of clause (e) of sub-section (2) of section 44 of the Regulation, after the word "arbitrators", the following words shall be inserted, namely:-

"through the Revenue authorities or the civil ~~Criminal~~ courts as the Registrar may consider expedient";

This is by way of substantive provision thro' the medium of a rule-making power. ~~Hyderabad Experience~~ The underlined words will be omitted & brought under rules by

(2) After the said sub-clause (e) the following new sub-clause shall be added, namely:-

"(ee) provide for the administration of oaths, summoning and enforcing the attendance of parties and their witnesses, compelling the production of documents in proceedings before the Registrar or arbitrator or arbitrators, and prescribe the punish-ment in case of disobedience"

Addition of a new section 50 A

2. After section 50 of the Regulation, the following new section shall be added:-

Education should be a civil matter & Courts should be ousted by rules. Hyd. omitted the underlined words by

"50 A. Except as may be provided for in this Regulation or in the Rules thereunder no ~~Criminal~~ civil or Revenue Court shall take cognisance of any dispute in respect of the business of a society between any person who is or has been a member or claims through any one who is or has been a member and such